

**CLAIM SET AS AMENDED**

1. (Canceled)
2. (Currently Amended) An apparatus for controlling an aperture of a camera, comprising:
  - a first determining device that determines an aperture range for a normal shooting which secures predetermined optical capability;
  - a second determining device that determines an aperture range including an aperture out of the aperture range for the normal shooting; and
  - a controlling device that controls a diaphragm mechanism to set  
the controlling device capable of setting the aperture within out of the aperture range  
for the normal shooting as determined by said second determining device for when obtaining  
at least one of photometry data of automatic exposure and video signals of auto focus, and  
controls the diaphragm mechanism to set an  
the controlling device capable of setting the aperture within the aperture range  
determined by said first determining device for when recording of an image.

3-5. (Canceled)

6. (Currently Amended) A camera, comprising:

- a taking lens;
- a diaphragm mechanism that adjusts an amount of light which enters the camera through said taking lens;
- a first determining device that determines an aperture range for a normal shooting which secures predetermined optical capability;
- a second determining device that determines an aperture range including an aperture out of the aperture range for the normal shooting; and
- a controlling device ~~that controls for controlling the aperture of the diaphragm mechanism to set the~~,  
the controlling device capable of setting the aperture within out of the aperture range for normal shooting as determined by said second determining device for when obtaining at least one of photometry data of automatic exposure and video signals of auto focus, and controls  
the controlling device capable of setting the aperture the diaphragm mechanism to set an aperture within the aperture range as determined by said first determining device for when recording of an image.

7-15. (Canceled)

16. (Currently Amended) A method for controlling an aperture of a camera, comprising the steps of:

determining an aperture out of an aperture range for a normal shooting which secures predetermined optical capability; and

controlling a diaphragm mechanism to use said aperture according to a shooting mode selected,

wherein said aperture is set within the normal shooting range in the shooting mode.

17. (Original) The method for controlling the aperture of the camera as defined in claim 16, wherein the aperture is used when a portrait mode is selected as the shooting mode.

18-26. (Canceled)

27. (Currently Amended) An apparatus for controlling an aperture of a camera, comprising:

a first determining device that determines an aperture range for a normal shooting which secures predetermined optical capability;

a second determining device that determines an aperture range including an aperture out of the aperture range for the normal shooting; and

a controlling device ~~that controls~~ for controlling a diaphragm mechanism ~~to set~~,

the controlling device capable of setting the aperture within the aperture range as determined by the first determining device when shooting in a high-resolution mode, and the controlling device capable of setting the aperture ~~within-out of~~ the aperture range for the normal shooting as determined by said second determining device ~~for the normal shooting according to a shooting mode selected when shooting in a low-resolution mode.~~

28. (Original) The apparatus for controlling the aperture of the camera as defined in claim 27, wherein the controlling device uses said second determining device when a portrait mode is selected as the shooting mode.

29-37. (Canceled)

38. (Currently Amended) A camera, comprising:  
a taking lens;  
a diaphragm mechanism that adjusts an amount of light entering the camera through a taking lens;  
a first determining device that determines an aperture range for a normal shooting which secures predetermined optical capability;  
a second determining device that determines an aperture range including an aperture out of the aperture range for the normal shooting;  
a shooting mode setting device that sets a shooting mode; and

a controlling device that controls for controlling the diaphragm mechanism to set the controlling device capable of setting the aperture within the aperture range as determined by the first determining device when shooting in a high-resolution mode, and the controlling device capable of setting the aperture within out of the aperture range for the normal shooting according to the shooting mode selected by said shooting mode setting device when shooting in a low-resolution mode.

39. (Original) The camera as defined in claim 38, wherein the controlling device uses said second determining device when a portrait mode is selected by said shooting mode setting device.

40-49. (Canceled)

50. (Previously Presented) The apparatus for controlling the aperture of the camera as defined in claim 2, wherein an operation of obtaining the at least one of the photometry data of the automatic exposure and the video signals of the auto focus is performed prior to shooting for recording of the image.

51. (Previously Presented) The camera as defined in claim 6, wherein an operation of obtaining the at least one of the photometry data of the automatic exposure and the video signals of the auto focus is performed prior to shooting for recording of the image.

52. (Previously Presented) The apparatus for controlling the aperture of the camera as defined in claim 50, wherein the operation of obtaining the at least one of the photometry data of the automatic exposure and the video signals of the auto focus is performed by half-depressing a release button, and the shooting for the recording of the image is performed by fully depressing the release button.

53. (Previously Presented) The apparatus for controlling the aperture of the camera as defined in claim 51, wherein the operation of obtaining the at least one of the photometry data of the automatic exposure and the video signals of the auto focus is performed by half-depressing a release button, and the shooting for the recording of the image is performed by fully depressing the release button.

54. (Currently Amended) An apparatus for controlling an aperture of a camera, comprising:

a first determining device that determines a first aperture range used for securing a predetermined optical capability when shooting for recording an image, ~~the first aperture range being used for obtaining at least one of photometry data of automatic exposure and video signals of auto focus;~~

a second determining device that determines a second aperture range including an aperture out of an aperture range of the first aperture range, the aperture in the second

aperture range being used for obtaining at least one of photometry data of automatic exposure and video signals of auto focus; and

a controlling device that controls for controlling the diaphragm mechanism ~~to set~~,  
the controlling device capable of setting the aperture in the second aperture range  
~~within the first aperture range~~ as determined by said second determining device, and ~~controls~~  
the controlling device capable of setting the diaphragm mechanism ~~to set~~ the aperture  
within the first aperture range as determined by said first determining device for recording of  
the image.

55. (Currently Amended) A camera, comprising:

a taking lens;

a diaphragm mechanism that adjusts an amount of light which enters the camera through said taking lens;

a first determining device that determines a first aperture range used for securing a predetermined optical capability when shooting for recording an image, ~~the first aperture range being used for obtaining at least one of photometry data of automatic exposure and video signals of auto focus;~~

a second determining device that determines a second aperture range including an aperture out of an aperture range of the first aperture range, the aperture in the second aperture range being used for obtaining at least one of photometry data of automatic exposure and video signals of auto focus; and

a controlling device that controls for controlling the diaphragm mechanism ~~to set~~,  
the controlling device capable of setting the aperture in the second aperture range  
~~within the first aperture range as~~ determined by said second determining device, and ~~controls~~  
the controlling device capable of setting the diaphragm mechanism ~~to set~~ the aperture  
within the first aperture range as determined by said first determining device for recording of  
the image.